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FACSIMILE TRANSMISSION

February 17, 2004

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FEB 17 2004

OFFICIAL

TO : U.S. Patent and Trademark Office

ATTN: Office of Petitions

FAX NO.: 703-872-9306

TELEPHONE: 703-308-9282

FROM: Mehdi Sheikerz

RE: Serial No. 10/045,094

OUR DOCKET: 826.1034C2D2D2D

NO. OF PAGES (Including this Cover Sheet) 14

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COMMENTS:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on 2/17, 2004

By: Megan Tague

Date 2/17/04

Docket No.: 826.1034c2d2d2d

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Shoji Hayashida

Confirmation No. 3711

Serial No. 10/045,094

Group Art Unit: 2876

Filed: August 3, 1998

Examiner: AHSHIK KIM.

For: ELECTRONIC CASHLESS SYSTEM

URGENT LETTER TO THE PETITION OFFICE

REGARDING PREVIOUSLY FILED

PETITION TO WITHDRAW FROM ISSUE

UNDER 37 C.F.R. §1.313(c)

MAIL STOP: Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

ATTENTION:

Office of Petitions
2201 South Clark Place
Crystal Plaza 4,
Suite 3C23
Arlington, VA 22202

After attempting to hand carry to the Petition Office a **PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. §1.313(c)** to File IDS and RCE, which was declined by the Petition Office for not accepting hand carries, the Petition was filed at the window of the US patent and trademark Office on February 12, 2004 along with an RCE fee check of \$770.00 and the Petition Fee of \$130.00 to be charged to Deposit Account No. 19-3935.

A copy of a USPTO stamped postcard, evidencing submission of the Petition on February 12, 2004 is included concurrently herewith.

Because the above-identified application is to be issued shortly, this facsimile copy of the February 12, 2004 Petition is submitted herein again to the Petition Office so that the Petition

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can be acted upon immediately as suggested by the Petition Office.

Therefore, consideration of the Petition to Withdraw from Issue to File IDS and RCE is respectfully requested.

If any further fees are required in connection with the filing of this Petition, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

Date: 2/17/2004

By: 

Mehdi Sheikerz
Registration No. 41,307

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on 2/17, 2004

STAAS & HALSEY

By: 

Date 2/17/04

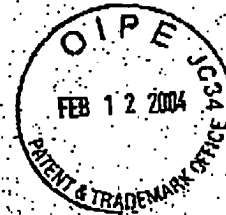
MEMORANDUM

TO: PACKAGE EXPRESS

FROM: Mehdi Sheikerz
STAAS & HALSEY

RE: Docket No. 826 1034C2D2D2D
Serial No. 10/045,094

DATE: February 12, 2004



Please **HAND CARRY** the Petition to Withdraw from Issue Under 37 C.F.R. 1.313(c) (3 p.), Request for Continued Examination (RCE) Transmittal (2 p.), Information Disclosure Statement with Attachment 1(g) and copy of cited reference, and check in the amount of \$770.00 to Office of Petitions, 2201 South Clark Place, Crystal Plaza 4, Suite 3C23, Arlington VA 22202.

Please have the clerk initial and date the attached copy of this memorandum indicating receipt of the above, and return the Initialed copy in the run.

Please check one of the following boxes:

- ☐ 1. If unable to hand deliver, leave in mailroom. Must have TODAY'S DATE
- ☒ 2. OK to hand deliver next day
- ☐ 3. Other: _____

MS:mt

Enclosure(s): Petition to Withdraw from Issue Under 37 C.F.R. 1.313(c) (3 p.), Request for Continued Examination (RCE) Transmittal (2 p.), Information Disclosure Statement with Attachment 1(g) and copy of cited reference, and a check in the amount of \$770.00.

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Docket No.: 826.1034c2d2d2d

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Shoji Hayashida

Serial No. 10/045,094

Filed: August 3, 1998

For: ELECTRONIC CASHLESS SYSTEM

Confirmation No. 3711

Group Art Unit: 2876

Examiner: AHSHIK KIM

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PETITION TO WITHDRAW FROM ISSUE
UNDER 37 C.F.R. §1.313(c)

MAIL STOP: Petition

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PO Box 1450
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Withdraw from Issue to File IDS and RCE
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Arlington, VA 22202

I. Withdrawal From Issue

Applicants hereby submit this Petition, via hand carry to the Office of Petitions, pursuant to 37 CFR §1.313(c) requesting that the above-identified application, in which the Issue Fee has been paid on October 6, 2003, be withdrawn from issue for purposes of obtaining consideration of an Information Disclosure Statement (IDS) under 37 CFR 1.97 in a request for continued examination (RCE), filed concurrently herewith pursuant to 37 CFR 1.313(c)(2) and 1.114.

Thus, because the patent has not issued yet, it is believed that this petition is timely by being filed on February 12, 2004 with the Office of Petitions. Pursuant to a telephone conference on February 12, 2004 with the Office of Petitions, this Petition and enclosures are submitted to the Office of Petitions VIA HAND CARRY at the above-identified address.

Serial No.: 10/045,094

II. Request for refund of RCE fee.

As a response to the Office Communication mailed January 13, 2004, in which the Examiner crossed out the IDS citation in ATTACHMENT 1(g), signed the IDS ATTACHMENT 1(g) and asserted that the IDS citation was not considered, a Letter to the Examiner was filed on February 4, 2004 requesting consideration of the June 6, 2003 IDS and summarizing the telephonic interviews with the Supervisory Examiner, Mr. MICHAEL GUNYOUNG LEE, on January 29, 2004 and February 3, 2004, as follows. The content of the interview summary was discussed before hand with the Supervisory Examiner. The Supervisor asserted that the citation in the IDS filed June 6, 2003 was looked at, considered, but deemed not relevant to the claim language of the above-identified allowed US patent application, and thus, the Examiner crossed out the IDS citation and the IDS citation will not be published on the issued patent and only placed in the file wrapper. Therefore, it is understood that the Examiner considered the IDS filed June 6, 2003, but the Examiner crossed out the IDS citation and did not initial the IDS citation, such that the IDS citation will not be published on the issued patent, because the IDS citation was not relevant to the claim language of the present application.

However, there is no MPEP support for such IDS consideration but crossing out of the IDS citation, so the Applicants desire that the IDS citation be considered and initialized by the Examiner to be printed on the Patent according to the MPEP. Further, the IDS citation in the June 6, 2003 IDS is not voluminous or unreasonable. The IDS was filed June 6, 2003 prior to issuance of an After Final Office Action or a Notice of Allowance, and the IDS conformed to 37 CFR 1.98 and 1.97(c), (e)(1). It is understood that the USPTO must consider the June 6, 2003 IDS pursuant to 37 CFR 1.98 and 1.97(c), (e)(1) and MPEP 609, and therefore the Examiner should also initial the document citation in the IDS ATTACHMENT 1(g) and sign the IDS ATTACHMENT 1(g) so that the IDS citation will be published on the issued patent. Therefore, pursuant to the previous Letters to the Examiner filed August 8, 2003 and February 4, 2004, regarding the status of the IDS filed June 6, 2003, it is respectfully requested that the Examiner consider and expressly acknowledge the Information Disclosure Statement, including ATTACHMENT 1(g), filed on June 6, 2003, without crossing out the IDS citation by initialing the citation and signing the IDS, ATTACHMENT 1(g), so that the IDS citation will be published on the issued patent.

Accordingly, a refund of the RCE fee paid concurrently herewith on February 12, 2004 is also requested, because it is believed that the USPTO must have considered the IDS filed June 6, 2003 including initializing the IDS citation.

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III. Enclosed with this Petition is a check in the amount of \$130.00 covering the petition fee pursuant to 37 C.F.R. §1.17(h).

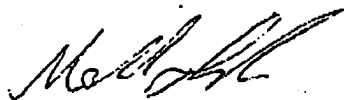
Enclosed is also a Request for Continued Examination filed concurrently herewith along with an Information Disclosure Statement.

If any further fees are required in connection with the filing of this Petition, please charge same to our Deposit Account No. 19-3935.

In view of the foregoing, it is respectfully requested that this Petition for Withdrawal be granted.

Respectfully submitted,
STAAS & HALSEY LLP

Date: 2/12/2004

By: 
Mehdi Shekerz
Registration No. 41,307

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